

Notice of Allowability

Application No.

09/776,162

Examiner

Nga B. Nguyen

Applicant(s)

BEURSKENS, FRANK

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on October 3, 2006.
2. ☒ The allowed claim(s) is/are 1-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on October 3, 2006, which paper has been placed of record in the file.
2. Claims 1-29 are pending in this application.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in the telephone interview with Mr. John Galbreath on November 13, 2006.

Claim 22 has been amended as follow:

replacing number "23" (line 1) by number "21".

Claim 23 has been amended as follow:

replacing number "23" (line 1) by number "21".

Allowable Subject Matter/Reasons for Allowance

4. Claims 1, 21, 28 and 29 are allowed over the prior arts cited records.

The closets prior arts are:

- 1) Grosh et al. (US 6,195,646) discloses a method for metering information during an information transaction between two users pursuant to a plurality of pricing

models associated with said metered information, a first of users being an information seller and the second of two users being an information purchaser, two users employing a computer system for said information transaction, computer system having a database containing said plurality of pricing models associated with said metered information, database further containing a multiplicity of dimensions, a plurality of dimensions applicable to each of said plurality of pricing models, and a plurality of factors applicable to each of dimensions.

2) Meada et al. (US 5,377,095) discloses a merchandise analysis system for predicting the sale of a registered item, including: a sales data table having sales data of a plurality of items; an input terminal for registering an item and for setting an analysis term; a retrieval unit connected to the table and the input terminal to search the sales data table for the sales data corresponding to the registered item and the analysis term; a function table having various functions fitted to respective data of sale versus price; a dispersion measure table for storing errors obtained with respect to the respective data of sale versus price retrieved on the basis of the respective functions; an analysis device connected to the dispersion measure table so as to determine one function giving the minimum one of the errors and the values of parameters therefor; and a display connected to the dispersion measure table so as to display the sales data of the registered item corresponding to the analysis term in a graph expressing the determined one function into which the determined parameters are substituted, the display being arranged to display the predicted sale corresponding to the registered price inputted through the input terminal in accordance with the display of the sales data.

3) Lee et al. (US 5,712,985) disclose a demand forecasting and production scheduling system and method creates production schedules for various business items describing a forecasted demand for the business items in a number of future time intervals. The system includes a computer managed database of various profiles, including a base profile for each business item, and a number of influence profiles. The profiles describe variations in demand for the business item in a number of time intervals. The base profile describes an underlying level of demand for a business item that is anticipated for the business item absent any influencing factors, such as promotional sales, holidays, weather variations, and the like. The variations in demand for the business item due to such influence factors are stored in the database as influence profiles. The influence profiles may be either standard, percentage, or seasonal. The forecasted demand for a business item in a number of future time intervals is determined by selective combination of the base profile for the business item and any number of influence profiles. The forecasted demand is stored in the database in a forecast profile. From the forecast profile a production schedule is created, and the business item provided according to the production schedule. Actual demand for the business item is monitored and stored. The variation between actual demand and the forecasted demand is used to update the base and influence profiles. From the updated base and influence profiles the forecasted demand is redetermined, and the production schedule updated accordingly.

Therefore, it is clear from the description of Grosh et al's, Meada et al's, and Lee et al's inventions that the prior arts do not considered the possibility of: pricing said

second portion of the predetermined quantity of the commodity at a market price established by the market, when said application of said formula to said predetermined market factor and said second market condition indicates the existence of said second favorable pricing condition, as included in claims 1, pricing said portions of the predetermined quantity of the commodity at a market price established by the market, when said application of said formula to said predetermined market factor and said related market conditions indicates the existence of said second favorable pricing conditions, as included in claims 21, 28 and 29.

5. Claims (2-20) and (22-27), are allowed because they are dependent claims of the allowable independents 1 and 21 above, in that order.

Conclusion

6. Claims **1-29** are allowable.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571) 272-6777.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

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8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:


(703) 872-9306 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox Building, 501 Dulany
Street, Alexandria, VA, First Floor (Receptionist).


NGA NGUYEN
PRIMARY EXAMINER

November 13, 2006